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**Benjamin Hill**  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

July 5, 1995

Honorable Susan Ness  
Commissioner  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

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GENERAL COUNSEL  
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Re: Satellite Digital Audio Radio  
Gen. Docket 90-357, Rm. No. 8610

95-91

Dear Chairman Ness:

It is my understanding that the Federal Communications Commission has recently issued a Notice of Proposed Rulemaking regarding service and licensing rules for Satellite Digital Audio Radio ("DARS"). Please associate the comments of Infinity Broadcasting of Maryland, licensee of Radio Station WPGC and WPGC-FM, Morningside, Maryland with this rulemaking proceeding. Infinity Broadcasting Corporation, WPGC and WPGC-FM's parent corporation, may choose to submit comments on this issue prior to the comment deadline, but this letter is submitted to reflect the local perspective of WPGC and WPGC-FM on service rules and licensing for Satellite DARS.

It is my position as General Manager of WPGC and WPGC-FM, I am acutely aware of the effect that Satellite DARS will have on the local marketplace for radio stations nationwide including WPGC and WPGC-FM.

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**WPGC and WPGC-FM supports the Commission's attempts to make technological advances like digital radio available to listeners nationwide. However, as General Manager of an existing radio station competing in the day-to-day marketplace, I believe it is important for the Commission to understand that the decisions it makes with respect to Satellite DARS have the potential to harm the ability of WPGC and WPGC-FM and other community-based broadcasters to provide local service in the public interest.**

**As the Commission is well aware, the obligation that broadcasters have to serve their communities of license has always been one of the touchstones of local radio service. WPGC and WPGC-FM currently fulfills this obligation by providing listeners in the Maryland area with local news and weather reports, disaster warnings, numerous public service announcements, traffic reports and weekly programs such as "African American Focus", "The Washington Urban Show", "African American Business Association Show", and "Teen Speak Out", which address issues of concern to listeners in the Washington D.C. and metropolitan area. WPGC and WPGC-FM's ability to provide such local programming and services to listeners in Maryland will be dramatically reduced or eliminated in the future if our station is forced to compete for advertising revenue with national state-of-the-art Satellite DARS "super stations". If the Commission allows 60 new satellite super stations to broadcast in the Washington D.C. area, our listeners are likely to tune into WPGC and WPGC-FM only for local information, thus causing our ratings to drop dramatically along with our revenue and our ultimate ability to remain financially viable.**

**In contrast to the magnitude of public service programming that stations like WPGC and WPGC-FM provide, Satellite DARS operators will be unable to duplicate the important public interest benefits of existing local-oriented stations. Yet as described above, the addition of 60 new super stations in the Maryland market will inevitably fragment the audiences that make stations like WPGC and WPGC-FM viable. In turn, this will jeopardize the important benefits now provided by terrestrial broadcasters, the very benefits that national satellite super stations cannot replicate.**

**In order to minimize the impact of Satellite DARS on existing broadcasters and to preserve local radio service, WPGC and WPGC-FM**

**respectfully asks the Commission to adopt the following basic principles as it addresses further implementation of Satellite DARS:**

- The Commission should remove existing national and local ownership limits on terrestrial broadcasters to allow stations like ours to compete fairly with Satellite DARS operators;**

- The Commission should avoid creating a competitive quality gap between existing radio broadcasters and satellite radio by allowing in-band on-channel terrestrial digital radio to be licensed first to determine if Satellite DARS is even needed;**

- As part of the Satellite DARS service rules rulemaking, the Commission should seek additional information and studies evaluating the risk of economic harm that Satellite DARS will cause both existing terrestrial radio broadcasters and ultimately local radio service;**

- Because they are functionally equivalent to broadcasters, Satellite DARS operators should be subjected to same public interest obligations as broadcasters, including but not limited to reasonable access and equal opportunities provisions;**

- Satellite radio ventures should be prohibited from using ground-based equipment such as terrestrial repeaters to reinforce their signals in urban areas where satellite signals are often blocked;**

- Satellite DARS licensees should be required to carry the niche programming (such as service to rural listeners, minorities and ethnic groups) they have promised the FCC they would offer;**

- Satellite DARS services should be subscription-supported so that Satellite DARS operators have economic framework to permit delivery of niche programming to specialized and geographically dispersed market;**

- In order to ensure that Satellite DARS is implemented in a manner that preserves and augments existing local radio, the Commission should allocate 50% of available frequencies to existing radio broadcasters or should open the DARS proceeding to allow new applicants.**

**WPGC and WPGC-FM looks forward to working with the Commission as the broadcast industry moves into the digital age. At the same time, WPGC and WPGC-FM urges the Commission to take into consideration the realities of the existing broadcast marketplace and the importance of local radio service as it moves towards bringing technological advances to listeners of our station and other stations nationwide.**

**Sincerely,**

A handwritten signature in cursive script that reads "Ben".

**Edwin B. Hill  
General Manager**